

Notice of Allowability

Application No.

10/790,558

Examiner

Lester L. Vanterpool

Applicant(s)

MARINELLI, VICTOR M.

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to October 30, 2006.
2. ☒ The allowed claim(s) is/are 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, & 20 - 44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance: Claim 14 recites: "the attaching portion; and the holding portion; wherein the holding portion is for replaceably holding the hammer; wherein the attaching portion is for replaceably attaching to the leg user; wherein the attaching portion comprises the pair of extension members; wherein the extension member of the pair of extension members of the attaching portion having the lowermost end, the uppermost end and the intermediate portion; wherein the attaching portion has the upper portion wherein each extension member of the pair of extension members of the attaching portion has a lower portion; wherein the extension member of the pair of extension members of the attaching portion has the upper loop; wherein the extension member of the pair of extension members of the attaching portion has the lower loop; wherein the upper loop of each extension member of the pair of extension members of the attaching portion is disposed at the uppermost end of the associated extension member of the pair of extension members of the attaching portion; wherein the upper of each extension member of the pair of extension members of the attaching portion extends forwardly from the uppermost end of the associated extension member of the pair of extension members of the attaching portion, away from the leg of the user for comfort; wherein the upper loop of each

extension member of the pair of extension member of the attaching portion is to receive the upper strap; and wherein the upper strap is to strap around the leg of the user.”

The prior art of record Pursley (U.S. Patent Number 5605263) and Pursley et al., (U.S. Patent Number 65557739) does not disclose the attaching portion in combination with the other recited features; wherein the attaching members comprises a pair of extension members; wherein the attaching portion has the upper portion wherein each extension member of the pair of extension members of the attaching portion has a lower portion; wherein the extension member of the pair of extension members of the attaching portion has the upper loop; wherein the extension member of the pair of extension members of the attaching portion has the lower loop; wherein the upper loop of each extension member of each extension member of the pair of extension members of the attaching portion is disposed at the uppermost end of the associated extension member of the pair of extension members of the attaching portion; wherein the upper of each extension member of the pair of extension members of the attaching portion extends forwardly from the uppermost end of the associated extension member of the pair of extension members of the attaching portion, away from the leg of the user for comfort; wherein the upper loop of each extension member of the pair of extension member of the attaching portion is to receive the upper strap; and wherein the upper strap is to strap around the leg of the user.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably


accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JES F. PASCUA
PRIMARY EXAMINER